

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5894

Douglas W. Hall (Admitted *Pro Hac Vice*)  
Ford & Harrison LLP  
1300 Nineteenth Street, N.W., Suite 700  
Washington, DC 20036  
Telephone: 202.719.2065  
Facsimile: 202.719.2077  
Email: [dhall@fordharrison.com](mailto:dhall@fordharrison.com)

Robert Spagat (SBN: 157388)  
WINSTON & STRAWN LLP  
101 California Street  
San Francisco, CA 94111-5894  
Telephone: 415-591-1000  
Facsimile: 415-591-1400  
Email: [rspagat@winston.com](mailto:rspagat@winston.com)

Attorneys for Defendant  
SKYWEST AIRLINES, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

SKYWEST PILOTS ALPA ORGANIZING  
COMMITTEE, et al.,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

**Case No. C-07-2688 CRB**

**DEFENDANT'S INITIAL OPPOSITION  
TO PLAINTIFFS' APPLICATION FOR  
ORDER TO SHOW CAUSE RE  
CONTEMPT**

Emboldened by the Court's willingness to grant Plaintiffs' Motion to Require SkyWest to Provide Witness List in an hour and a half, without providing SkyWest an opportunity to respond, and its willingness to rule on two additional "emergency" motions Plaintiffs filed in two days without permitting SkyWest *any* opportunity to respond, even when requested, Plaintiffs now have run into Court with the instant Application for Order to Show Cause.

SkyWest now is under the extreme duress of having to respond to the instant motion, including the motion to change time, for fear that the court will rule without hearing because the Court has done so three times in the last two days. SkyWest is within hours of the time its opposition to Plaintiffs' motion for a preliminary injunction is due. Plaintiffs intentionally staged this dispute now, when SkyWest's legal resources are stretched to the maximum, to deny SkyWest a fair opportunity to mount a defense. Plaintiffs seek to force SkyWest to appear in Court on Monday, June 4 – the day that their reply on the motion to transfer must be filed, and while they must be preparing for the preliminary injunction hearing. Plaintiffs seek to divert SkyWest from its ability to prepare these pleadings and prepare for these hearings over the weekend.

There is *no compelling urgency* that requires the Court to hear this matter on June 4. Classes are scheduled for the next two weeks. SkyWest already has told Plaintiffs' attorneys this. (See Letter of Robert Spagat, Exh. H to Lye Decl.) There is *no prejudice* to having this issue addressed on Tuesday, June 5, when the parties already will appear before the court on the motion to transfer, or on Thursday, June 7, when the parties will appear before the court on the motion for a preliminary injunction. Plaintiffs, who were told yesterday that they would not be allowed to present today, have manufactured an "emergency" – yet again – to divert SkyWest from its trial preparation. This is in addition to the constant barrage of letters they have been sending to counsel for SkyWest making demand after demand, in another attempt to distract it constantly from preparing its defense.

SkyWest cannot fully address the issues raised by the motion at this time for fear that this court will rule in the meantime, or that, by doing so, SkyWest will be unable to complete the filing on its opposition to the motion for preliminary injunction. This prejudice is precisely what Plaintiffs intend. It is fundamentally unfair and a denial of due process of law.

1 Plaintiffs utterly failed to meet and confer before filing this motion. Instead, they lay  
 2 in wait in an effort to compromise SkyWest as much as possible. They have mischaracterized  
 3 SkyWest's position and its correspondence. The Court should not countenance these sharp practices.

4 The Court, therefore, should deny Plaintiffs' Application or, in the alternative,  
 5 address the issue at the hearing on the motion for a preliminary injunction. If the Court believes it is  
 6 necessary to hold a hearing before that time, Defendant requests that the order a hearing on Tuesday,  
 7 June 5, 2007, at the time of the hearing on the motion to transfer, to permit the parties to fully vet the  
 8 issue before the Court.

9  
 10  
 11 Dated: June 1, 2007

WINSTON & STRAWN LLP

12  
 13 By: 

Robert Spagat

14  
 15 Attorneys for Defendant  
 16 SKYWEST AIRLINES, INC.

17 SF:173823.1  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28